

INITIAL STATEMENT OF REASONS:

The California Department of Corrections and Rehabilitation (CDCR or the Department) proposes to amend Section 3172.2. Minimum Visiting Days and Hours, of the California Code of Regulations, Title 15, Division 3, Subchapter 2, Article 7.

The proposed revision will eliminate Labor Day as a Holiday Visiting Day in CDCR institutions. The purpose of this change is to assist the Department in meeting its objectives of fiscal responsibility, with the smallest consequence to current family and community programs that provide a positive impact upon inmate rehabilitation and recidivism. Historically, Labor Day has been the least frequented of the five Holiday Visiting Days identified in Section 3172.2.

In 2010, as part of the Department's efforts to cut costs due to continuing budget shortfalls, Labor Day visiting was eliminated for that year. Holiday visiting days require extensive staff redirection as well as overtime hiring to ensure the safety and security of the institutions. An informal survey of CDCR institutions estimated the cost savings for 2010 at \$223,000. Eliminating Labor Day visiting permanently will save the Department and the State of California approximately this amount every year.

This proposed revision is necessary to demonstrate fiscal responsibility to the people of the State of California by further reducing the budget deficit and improving the fiscal outlook of the state. In recognizing CDCR's responsibility to rehabilitate offenders remanded to our custody, this proposed revision will have no impact on weekly visiting schedules or the Family Visiting program.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action, or would be as effective and less burdensome to affected private persons, than the action proposed.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the CDCR's initial determination.

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4 of the Government Code.

The Department has determined that no reasonable alternatives to the regulation have been identified or brought to the attention of the Department that would lessen any adverse impact on affected private persons or small business than the action planned.

The Department, in proposing the adoption of these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

Section 3172.2. Minimum Visiting Days and Hours.

Subsection 3172.2(a) through 3172.2(b)(1) are unchanged.

Subsection 3172.2(b)(2) is amended to remove Labor Day from the list of approved Holiday Visiting Days.

Subsection 3172.2(b)(3) through 3172.2(c) are unchanged.